



W.P.(MD).No.2451 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.01.2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.2451 of 2025**

Mariraj

... Petitioner

Vs.

1.The Regional Passport Officer,  
Madurai,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai 625 002

2.The Inspector of Police,  
All Women Police Station (Awps),  
Puliangudi,  
Thenkasi District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to issue Passport to the petitioner based on her application in File Number:MD7077164070324 on the file of the 1<sup>st</sup> respondent within a stipulated time by this Court.

For Petitioner : Mr.R.Karunanidhi

For R-1 : Mr.V.Maleiyendran,  
Central Government Standing counsel

For R-2 : Mr.K.Gnanasekaran,  
Government Advocate,  
(Criminal side)



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**ORDER**

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed to direct the 1<sup>st</sup> respondent to issue Passport to the petitioner based on her application in File Number:MD7077164070324 on the file of the 1<sup>st</sup> respondent.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner has applied for renewal of a passport before the 1<sup>st</sup> respondent in application No. MD7077164070324. The 1<sup>st</sup> respondent issued a clarification letter dated 02.01.2025 requiring the petitioner to explain with respect to the crime in Crime No.7 of 2024 registered by the 2<sup>nd</sup> respondent police against the petitioner. The petitioner duly appeared before the 1<sup>st</sup> respondent and has given an explanation that the 2<sup>nd</sup> respondent police has not filed a final report.



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5.Per contra, the learned Government Advocate appearing for the 2<sup>nd</sup> respondent police, Mr.K.Gnanasekaran, Government Advocate (Criminal side) submitted that the crime in crime No.7 of 2024, has culminated in laying a charge sheet in C.C.No.13 of 2025 on the file of the JM Sivagiri, Tenkasi District.

6.The petitioner is given liberty to move the trial Court / JM Sivagiri, Tenkasi District, for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel abroad is a fundamental right. The petitioner's career and avocation may be at stake if he is denied the right to go abroad. Therefore, the trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 228 of BNSS, 2023 by executing a special vakalat.



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7. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition-mentioned application in terms of the said order.

8. The writ petition is allowed on these terms. There shall be no order as to the costs.

**28.01.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Sml

To

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**L.VICTORIA GOWRI, J.**

Sml

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